

PROCEDURE FOR REQUESTING TEMPORARY RESTRAINING ORDER

BEFORE

THE HONORABLE WILLIAM M. SKRETNY

**United States District Judge
Western District of New York**

- A. An Order to Show Cause is not generally available under the Federal Rules of Civil Procedure. See Wright & Miller, Federal Practice and Procedure: Civil, Section § 1195 (2nd Ed. 1990). Such relief is available upon motion for an expedited hearing. **Please consult Federal Rule 65.**
- B. Know what you want when you come in, i.e., do you really want an ex parte Temporary Restraining Order (which is rare), or do you want an expedited hearing?
- (1) **Exparte Applications.** Exparte applications should be avoided except in the most extreme circumstances. Where such cases arise, the party submitting the application must state in the application either:
- (a) that the party has contacted opposing counsel and attempted to resolve the situation through normal motion practice, or
- (b) the reasons why contacting the opposing party would be inappropriate under the circumstances.
- (2) **Expedited Hearing.** If an expedited hearing is requested, you must make a Motion to Shorten Time. Please consult Fed. R. Civ. P. 6(d) and Local Rule 7.1(d).
- C. You must provide to Judge Skretny's chambers copies of the following pleadings that have been filed with the Clerk of the Court:
- (1) Complaint;
- (2) Motion for Temporary Restraining Order and a draft of a proposed Temporary Restraining Order;
- (3) Memorandum of Law in support of Motion for Temporary Restraining Order;
- (4) Motion to Shorten Time;
- (5) All Supporting Affidavits; and

- (6) A draft Order granting the Motion to Shorten Time and scheduling a date for a status conference on the Motion for Temporary Restraining Order. The Order should also include a time by which to serve the opposing party (usually by personal service or overnight mail) and a time by which the opposing party must file any papers. Leave the dates blank, the Court will fill them in. You will be required to file the Order and serve the papers on the opposing party.

NO FAX TRANSMISSIONS ARE ACCEPTABLE. CHAMBERS CAN BE CONTACTED AT (716) 551-3086 WHEN NECESSARY.